

A D V I C E  
T O T H E  
U N W A R Y:

O R,

*A N A B S T R A C T,*

O F

CERTAIN PENAL LAWS NOW IN FORCE

A G A I N S T

SMUGGLING IN GENERAL,

A N D T H E

ADULTERATION OF TEA;

W I T H S O M E

R E M A R K S,

Very necessary to be read by all Persons; that they  
may not run themselves into Difficulties, or incur  
Penalties therefrom.

L O N D O N:

Printed by E. COX, Queen-Street, Lincoln's-Inn-Fields; and sold  
by G. ROBINSON, Paternoster-Row.

M DCC LXXX.



# A D V I C E

T O T H E

## U N W A R Y, &c.

---

**A**S many persons have incurred penalties and forfeitures, under the different Acts of Parliament made against smuggling, for want of those laws being properly understood and made known, and many others may, through ignorance of the Act passed in the last session, for the more effectually preventing those pernicious practices, render themselves liable to still greater penalties, it seems highly necessary that the penal laws should be so explained and universally made known, that the consequences resulting from a breach of them, may become evident to the meanest capacity; for laws unknown to the people, are no laws at all; and laws known only to a few, and unknown to the many, are little better than traps and snares for the sport or emolument of the crafty designing few, wherein to catch the unwary, uninformed, and perhaps, innocent individuals, erring by mistake.

With this view therefore, and in order to prevent as much as possible, the ill consequences that must ensue, not only to individuals, but to the public at large, from persons still continuing ignorant and uninformed, and as a warning to those who knowingly continue in the practice of that illicit traffick, this abstract is now printed; and more especially as the information to be gathered from hence, will, to many readers, be much greater than from the acts themselves, which being unavoidably couched in a repetition of law terms, must of course render them less intelligible.

Therefore, when all possible care shall have been taken to forewarn individuals of their danger, and to dissuade them from those pernicious practices which must unavoidably lead them into it, it is to be hoped that the law will no longer be a dead letter or useless form, but that a very powerful association may be formed, to employ proper means throughout the whole kingdom, to watch the motions of smugglers of every denomination, and to inform against, and bring them to condign punishment.

The practice of smuggling has of late years, made such rapid and gigantic strides from the sea coasts, into the very heart of the  
B country,



country, pervading every city, town and village, as to have brought universal distress upon the fair traders, from the most opulent and respectable, even to the smallest shopkeeper, and requires the united efforts of every honest man to aim at the suppression of it; foreign states having been enriched at the expence of this country, and the destruction of many fair traders, as will evidently appear by the following statements\*.

There are at Scheidam, in Holland, one hundred and twenty-five malt distillers, who make annually three millions eight hundred and sixty-seven thousand five hundred gallons of Geneva, the greatest part of which is smuggled into England.

These distilleries consume weekly, three thousand five hundred quarters of corn, to the great benefit of their shipping and all other traders. There has been lately set up, at Dunkirk, a very considerable malt-distillery for making Geneva for the English smugglers, as they have no other means of sale; all corn-spirits are prohibited to be used in the French dominions in favour of their brandies.

In Sweden, there have been newly some considerable distilleries fixed to supply the Scotch smugglers, who have a large trade with them at Gottenburgh. The States of Holland, in order to prevent their loss of so beneficial a trade as the corn distillery, prohibited the exportation of any utensils used in that branch.

There being no duty on spirits, or the malt, they can afford their Geneva at one shilling and four-pence per gallon; and our smugglers sell it so low as to encourage great numbers of people to sell it by retail without licences, who entice servants, and the lower sort of people, to drunkenness and debauchery, to the great increase of the poor-rates. Since the high duties on spirits in England, the demand for French Brandies has been so large, as to raise the prices double.

There are twelve ships, of two hundred tons burden each, employed at Guernsey, to fetch Rums from St. Croix, a Danish island; there are also great quantities of rums smuggled from Dunkirk and Holland; not less than six thousand puncheons annually. If a stop were put to the contraband importation of spirits, the consumption of West-India Rum would be double the present importation at the least.

The French import annually five or six millions of pounds of Tea, the greatest part of which is smuggled into England, (as the French consume very little) beside which our smugglers buy large quantities of Teas at the sales in Holland, Gottenburgh and Copenhagen; consequently the smuggling of Teas must be immense; it is therefore

\* Upon a moderate calculation, the annual loss to the public revenue, is upwards of 2,300,000*l*. A sum far exceeding the amount of the land tax at the present high rate of 4*s*. in the pound.

N.B. Many articles are brought into this kingdom without paying duty, that are not in the above-mentioned estimate.



submitted, whether, if the smuggling of Teas was prevented, it would be worth the French, Swedes, Dutch or Danes while to continue a trade to China?

There are many thousands of silk-weavers, and manufacturers of Thread and black and blond Silk Laces, in the counties of Buckingham, Bedford, Northampton, Hertford, Devon, and Wilts, out of employ, owing in a great measure to the smuggling of Silks, Callicoes, and Laces; who, if a stop was put to the smuggling trade, would soon again find employment.

The great trade at Dunkirk is, mostly carried on by smugglers, and finds employment for foreign shipping and all trades dependent thereon\*. In the year 1777, two millions five hundred thousand gallons of Geneva were smuggled from Dunkirk alone.

There are many thousand of sailors employed in this illicit traffick, most of whom are victualled and cloathed, and their vessels repaired in foreign countries, who would otherwise become fishermen, and useful members of the community, thereby greatly enriching the sea coasts, training up a hardy race of sailors and enabling the sea ports, as heretofore, to assist the state in furnishing both ships and men; but so long as that pernicious practice continues, so long will the parish rates remain high and a burthen upon the fair dealer, and the sea ports be unable to afford any real assistance.

The smuggling cutters, are not only large, full of men and well armed, but so well constructed for sailing, that seldom one of them is captured in a year, and those which are taken are frequently permitted to depart, with the loss only of a part of their cargoes, as an additional encouragement for them to continue the same trade; this conduct is productive of many inconveniencies, and particularly to the farmer, who in many places near the sea, is unable to find hands to do his work, whilst great numbers are employed in removing smuggled goods from one part of the country to another.

The smugglers pay for the articles which they buy either in cash, or by the illicit exportation of English wool, (no other articles of any consequence being carried abroad by them) an injury to the staple commodity of this kingdom of so serious a nature, as to call on the united efforts of every well-wisher to his country, to join in the suppression of it.

The adulteration of Teas, both by and for smugglers, greatly promotes the collusive seizures and sales, so justly complained of, the loss of such teas being of little concern to any.

As it is certain, upon a moderate calculation, that the revenue is now defrauded more than twenty-three hundred thousand pounds

\* Whoever hath visited Dunkirk in time of peace, might have seen the warehouses full of East India and China smuggled goods, and been informed by what ships they came, that business being carried on publicly.

sterling per annum, it may fairly be concluded that smuggling is arrived to a height unprecedented in this or (perhaps) in any other nation in Europe? Consequently the quantity and value of different articles thus illicitly imported must be immense; and, as they are paid for either in specie, or by smuggling of wool, which is worse; this traffic must greatly enrich the French, and other nations, and gradually impoverish this; and, while the fair traders are obliged to sustain various taxes to supply so great a deficiency in the revenue, they are deprived of their trade by a banditti, who are become a terror to the king's officers, and a pest to the community; seventy of them having (frequently) been seen assembled together on horse-back at one place, a sort of open rebellion highly inconsistent with, and greatly reproachful to, civil government.—Thousands, (as before hath been observed,) who would otherwise be employed in fishing, agriculture, &c. to the emolument of this kingdom, are now supported in drunkenness, rioting, and debauchery, by this iniquitous traffic;—a traffic obviously productive of so numerous a train of evils, that prudence, common honesty, decency, order, and civil government, unitedly cry loudly for redress.

The foregoing are the principal and most notorious practices of these illegal traders that can be procured from the best authority from the different sea-ports and towns in the kingdom; and are so numerous, and carried on to such an extent, that they are not only highly detrimental to the trade and commerce of this country, but also occasion a loss, on Tea alone, to the revenue, of no less than 700,000l. per ann.

The following table will clearly shew the great decrease of the East-India Company's Sales, from March 1770 to September 1778.



Account of the Net Weight, Average Prices, and Amount, (with the Discount of  $6\frac{1}{2}$  per Cent. deducted,) of the East-India Company's Teas, in the following Sales : *Viz.*

| S A L E S. |       | Bohea.  |       | Average Price. | Amount 6½perCt. deductd | Congou |       | Average Price. | Amnt, 6½prCt deduct | Hyson. |       | Average Price. | Amnt, 6½prCt deduct | Pekoe |       | Average Price. | Amn. 6½pC deduct | Singlo. |       | Average Price. | Amount 6½perCt. deductd | Sou-chong. |       | Average Price. | Amnt, 6½prCt deduct | T O T A L. |       | Net Weight. | Amount 6½perCt. deductd |     |
|------------|-------|---------|-------|----------------|-------------------------|--------|-------|----------------|---------------------|--------|-------|----------------|---------------------|-------|-------|----------------|------------------|---------|-------|----------------|-------------------------|------------|-------|----------------|---------------------|------------|-------|-------------|-------------------------|-----|
|            |       | lb.     | s. d. | £              |                         | lb.    | s. d. | £              |                     | lb.    | s. d. | £              |                     | lb.   | s. d. | £              |                  | lb.     | s. d. | £              |                         | lb.        | s. d. | £              |                     | lb.        | s. d. | £           |                         | lb. |
| March,     | 1769, | 2702104 | 2 2¾  | 281614         |                         | 283103 | 2 9⅞  | 37209          |                     | 119361 | 10 5⅞ | 58546          |                     | 66406 | 6 3⅞  | 1957           |                  | 1043924 | 4 9⅜  | 233556         |                         | 46635      | 6 11½ | 15173          |                     | 4201767    |       | 628055      |                         |     |
| Septem.    | 1769, | 3412183 | 2 1⅞  | 344911         |                         | 235035 | 4 3⅞  | 47515          |                     | 107942 | 10 5¾ | 52911          |                     | 77774 | 4 8⅜  | 1711           |                  | 1363810 | 4 8⅝  | 301104         |                         | 56008      | 6 1   | 15949          |                     | 5182755    |       | 764101      |                         |     |
| March,     | 1770, | 3439707 | 2 8½  | 435515         |                         | 27446  | 4 11¾ | 6400           |                     | 30471  | 11 4⅞ | 16160          |                     | - - - | - - - | - - -          |                  | 1354170 | 5 4   | 337712         |                         | 19241      | 6 7¾  | 5981           |                     | 4871035    |       | 801768      |                         |     |
| Septem.    | 1770, | 2517165 | 3 3   | 382398         |                         | 190803 | 4 9⅞  | 42471          |                     | 47676  | 10 4  | 23028          |                     | 7735  | 5 7½  | 2035           |                  | 832455  | 6 6¾  | 255362         |                         | 37552      | 6 8⅞  | 11721          |                     | 3633386    |       | 717015      |                         |     |
| March,     | 1771, | 2705229 | 3 0½  | 385310         |                         | 187111 | 4 7   | 40102          |                     | 47318  | 10 7⅞ | 23440          |                     | 7604  | 4 11½ | 1763           |                  | 834127  | 5 10½ | 229179         |                         | 38244      | 6 4½  | 11392          |                     | 3819633    |       | 691186      |                         |     |
| Septem.    | 1771, | 1955145 | 3 2½  | 293530         |                         | 142465 | 4 9   | 31639          |                     | 55731  | 10 5½ | 27245          |                     | 5690  | 5 3⅞  | 1399           |                  | 682048  | 6 5½  | 205940         |                         | 38298      | 6 1⅞  | 11021          |                     | 2879377    |       | 570774      |                         |     |
| March,     | 1772, | 2558544 | 3 0¾  | 366927         |                         | 131412 | 5 2½  | 31988          |                     | 72506  | 11 7⅞ | 39512          |                     | 6431  | 5 3⅞  | 1581           |                  | 509066  | 6 6⅞  | 154960         |                         | 36047      | 6 4½  | 10742          |                     | 3314006    |       | 605720      |                         |     |
| Septem.    | 1772, | 2550670 | 2 5⅝  | 294365         |                         | 175343 | 4 0⅜  | 33046          |                     | 133927 | 9 9¼  | 61176          |                     | 8066  | 4 7⅞  | 1755           |                  | 699545  | 5 3⅞  | 173397         |                         | 52577      | 6 1¼  | 15004          |                     | 3620128    |       | 578743      |                         |     |
| March,     | 1773, | 731464  | 2 4   | 79790          |                         | 194535 | 4 0½  | 36757          |                     | 131814 | 8 5¾  | 52252          |                     | 15977 | 5 0⅜  | 3758           |                  | 945215  | 4 5½  | 197008         |                         | 54499      | 5 6¼  | 14066          |                     | 2073504    |       | 383631      |                         |     |
| Septem.    | 1773, | 1151786 | 2 4   | 125641         |                         | 137502 | 4 0⅞  | 26047          |                     | 79432  | 8 7   | 31874          |                     | 16008 | 4 5⅝  | 3344           |                  | 953553  | 4 1⅜  | 183431         |                         | 45638      | 4 11½ | 10579          |                     | 2383973    |       | 380916      |                         |     |
| March,     | 1774, | 2161334 | 2 4⅜  | 238923         |                         | 239184 | 4 0⅜  | 45077          |                     | 99323  | 8 3⅞  | 38646          |                     | 15432 | 4 8⅜  | 3389           |                  | 805198  | 3 9   | 141162         |                         | 42880      | 5 5   | 11112          |                     | 3364351    |       | 478309      |                         |     |
| Septem.    | 1774, | 2004144 | 2 5¼  | 228378         |                         | 250020 | 4 4⅝  | 51259          |                     | 78501  | 9 4⅞  | 34253          |                     | - - - | - - - | - - -          |                  | 1012468 | 4 0   | 189332         |                         | 42050      | 5 10⅞ | 11611          |                     | 3387183    |       | 514833      |                         |     |
| March,     | 1775, | 2091744 | 2 5¼  | 238360         |                         | 200613 | 4 5⅜  | 41715          |                     | 78171  | 9 1⅞  | 33462          |                     | - - - | - - - | - - -          |                  | 1103161 | 4 4½  | 225630         |                         | 50477      | 5 3⅞  | 12463          |                     | 3524166    |       | 551630      |                         |     |
| Septem.    | 1775, | 1252165 | 2 4   | 136590         |                         | 138715 | 4 6¾  | 29587          |                     | 97823  | 9 5   | 43065          |                     | - - - | - - - | - - -          |                  | 1091564 | 4 1½  | 210501         |                         | 45900      | 5 11⅞ | 12719          |                     | 2626167    |       | 432462      |                         |     |
| March,     | 1776, | 1158147 | 2 4⅝  | 129155         |                         | 100072 | 4 5⅞  | 20711          |                     | 96828  | 10 0  | 45266          |                     | - - - | - - - | - - -          |                  | 860772  | 4 5⅞  | 180666         |                         | 28762      | 5 1⅝  | 6905           |                     | 2244581    |       | 382703      |                         |     |
| Septem.    | 1776, | 1262783 | 2 4   | 137749         |                         | 196514 | 4 7⅞  | 42776          |                     | 73138  | 9 7⅞  | 32946          |                     | - - - | - - - | - - -          |                  | 747257  | 4 5⅞  | 154656         |                         | 15660      | 4 11  | 3600           |                     | 2295352    |       | 371727      |                         |     |
| March,     | 1777, | 1406585 | 2 4⅜  | 155490         |                         | 191329 | 5 0   | 44723          |                     | 98630  | 8 9⅞  | 40394          |                     | - - - | - - - | - - -          |                  | 870390  | 4 4⅝  | 178445         |                         | 12436      | 4 2⅞  | 2428           |                     | 2579370    |       | 421480      |                         |     |
| Septem.    | 1777, | 1614459 | 2 4¼  | 177683         |                         | 177226 | 4 11¾ | 41254          |                     | 95357  | 9 7¼  | 42815          |                     | - - - | - - - | - - -          |                  | 1056906 | 4 4½  | 216171         |                         | 22434      | 4 9¾  | 5046           |                     | 2966382    |       | 482969      |                         |     |
| March,     | 1778, | 893584  | 2 4   | 97475          |                         | 179450 | 4 2⅝  | 35393          |                     | 149383 | 7 8⅝  | 53906          |                     | - - - | - - - | - - -          |                  | 1005684 | 4 1½  | 193940         |                         | 9581       | 6 2   | 2761           |                     | 2237682    |       | 383475      |                         |     |
| Septem.    | 1778, | 1491425 | 2 5⅝  | 172130         |                         | 100150 | 4 7½  | 21654          |                     | 98209  | 8 6   | 39025          |                     | - - - | - - - | - - -          |                  | 662384  | 4 0⅝  | 125478         |                         | 100670     | 5 2   | 24315          |                     | 2452838    |       | 382602      |                         |     |

Here the intelligent reader might suggest to himself, that the rapid decrease of the Sale of Tea, may be occasioned by some other causes than those which have been alledged ; viz. that the consumption may be really lessened, through a spirit of frugality, stimulated by the scarcity of money and the distresses of the times ; or from a decrease of the number of inhabitants, or some other adventitious cause.—Quite contrariwise ! the consumption is as great as ever, and continually encreasing ; but in proportion as the sales in Great Britain have decreased, the sales of foreign nations have encreased. And what is still more alarming and mortifying to every true lover of this country, the rise of the sales of our grand implacable enemies has been greater than that of all the other European Nations together, as will appear by a momentary inspection of the following :



Digitized by the Internet Archive  
in 2018 with funding from  
Wellcome Library

<https://archive.org/details/b3037182x>



Account of the Tea imported into the Foreign Kingdoms of Europe, with the Number of Ships importing the same, from the Year 1769 to 1777 inclusive.

| Year. | Nation.                          | Ships.                | lb. of Tea.                                      | Total.       |
|-------|----------------------------------|-----------------------|--|--------------|
| 1769  | Dutch<br>French<br>Dane<br>Swede | 3<br>1<br>1<br>1 } 6  | 2,742,842<br>922,402<br>892,646<br>946,843       | } 5,504,733  |
| 1770  | Dutch<br>French<br>Dane<br>Swede | 3<br>1<br>1<br>1 } 6  | 2,667,296<br>894,457<br>786,509<br>898,747       | } 5,247,009  |
| 1771  | Dutch<br>French<br>Dane<br>Swede | 3<br>1<br>1<br>1 } 6  | 2,847,677<br>994,768<br>897,468<br>947,986       | } 5,687,899  |
| 1772  | Dutch<br>French<br>Dane<br>Swede | 4<br>2<br>1<br>1 } 8  | 3,622,810<br>1,052,024<br>1,007,673<br>1,499,937 | } 7,182,444  |
| 1773  | Dutch<br>French<br>Dane<br>Swede | 4<br>3<br>2<br>2 } 11 | 3,461,197<br>2,177,211<br>2,198,871<br>2,459,137 | } 10,296,416 |
| 1774  | Dutch<br>French<br>Dane<br>Swede | 4<br>5<br>2<br>1 } 12 | 3,704,872<br>3,372,311<br>2,181,861<br>1,371,767 | } 10,630,811 |
| 1775  | Dutch<br>French<br>Dane<br>Swede | 4<br>7<br>2<br>2 } 15 | 3,704,904<br>4,662,085<br>1,845,378<br>2,694,721 | } 12,907,088 |
| 1776  | Dutch<br>French<br>Dane<br>Swede | 4<br>8<br>2<br>2 } 16 | 3,944,947<br>5,094,767<br>2,067,442<br>2,469,674 | } 13,576,830 |
| 1777  | Dutch<br>French<br>Dane<br>Swede | 4<br>9<br>2<br>2 } 17 | 3,997,948<br>6,274,846<br>2,967,867<br>2,897,494 | } 16,138,155 |

Suppose only 10 millions of the afore mentioned 16 millions of pounds of tea imported by foreigners, to be consumed in Great Britain, Ireland, and the British Colonies, such illicit trade not only defrauds the public of an immense revenue, but prevents the English India Company from employing constantly in the China trade, 28 ships, with 3,300 seamen more than at present; that is, 14 ships each year, containing about 120 men and officers each.

N. B. The English India and China ships are considerably less than those of foreign nations, it being deemed imprudent to risque so much property in one vessel. The China ships of the English nation, bring in general from 6 to 700,000 lb. of tea each.

Can there exist an honest considerate person in Great-Britain, who, upon perusing this clear state of the case, is not alarmed with the melancholy scene, and does not wish, by all possible means, to strike at the root of an infamous, pernicious traffick, which not only weakens and injures the community collectively and individually considered, but also enriches and strengthens our inveterate and implacable enemies the French, who are continually plotting our ruin, and whose impious hand is now lifted in a menacing manner, and with a presumptuous expectation of compleating our total overthrow? To effect which, the banditti who carry on this nefarious commerce, serve as spies and intelligence-carriers to instruct their fleets and armies, *when, where, and how* to strike the fatal blow! It is high time then to put a total stop to the destructive practice.

---

The late Act against Smuggling takes place after the 1st of August 1779, and enacts in Manner following.

1st. The Fines and Forfeitures are ONE HALF TO THE KING, AND THE OTHER TO THE INFORMER, except only in two instances, where the whole is to the Informer.—Which fines, &c. being large, must render this act more effectual than any before made, especially as it confirms former acts, (particularly that made in the 19th of George II. which is very powerful) and makes some very important additions; and it seems the fair traders, who have been so long and so greatly injured, are determined by subscriptions, associations, &c. to carry this act into execution with firmness, and without respect to persons.

2d. Fines and Forfeitures are to be sued for, and recovered in the usual methods of the excise laws;—and any person prosecuted for any thing done in carrying this act into execution, is fully defended by this act, if he proceeds agreeably thereto; and may obtain treble costs, by the same methods costs are obtained in other cases by law.

3d. All expences attending the prosecution of any who are committed to prison upon this act, are to be paid by the Receiver General of the customs of excise, out of the revenue, (which is a material point) and the officer bound in the sum of 40l. to appear on trial, to prosecute, &c.



4th. Foreign Spirituous Liquors found in any ship or vessel, being in casks which do not contain sixty gallons at least, (except two gallons per man then belonging to the ship) such ship, with her guns, furniture, ammunition, tackle and apparel, is forfeited, of whatever burthen the same may be.

5th. If Tea, Coffee, Foreign Spirits, or any goods whatsoever, liable to forfeiture, be found on board any ship coming from any port in Europe; or hovering within the limits of any port in this kingdom;—or within two leagues of the coast; or discovered to have been within the limits of any port, contrary to any act now in force, such ship, with her guns, furniture, ammunition, &c. is forfeited if she doth not exceed 200 tons.—(By former acts it was 100 tons only).

6th. The act made the 8th of Geo. I. respecting boats, is by this extended to every part of the kingdom, as to all boats made to row with more *than six oars*, (it seems there are now those of thirty and fifty) except the licensed TOW BOATS for the Bristol channel, and those for the royal family, &c. all other boats, built to row with more than six oars, whether found upon land or water, are forfeited, and the owner, or person using, or rowing the same, also forfeits 40l.

7th. Such ships, boats, &c. which by former acts were directed to be burnt, are by this to be broken up, the materials sold to the best advantage, and divided as other forfeitures are.

8th. If on board any ship or vessel from foreign parts (except those belonging to the East India Company) within the limits of any port in this kingdom, there shall be found more than 100lb. of Tea, or more than 100 gallons of foreign spirits, being in casks under 60 gallons, (except two gallons for every seaman then belonging to, and on board the ship) the master, or other person having the charge of such ship, is to forfeit 300l. and to be arrested and imprisoned, till he enters into a recognizance, in 300l. to appear to any information which may be exhibited against him\*.

\* It is now, more than ever, the incumbent duty of the master or other person having the charge or command of any ship or vessel, to order and take special care that none of his seamen or passengers bring on board or introduce into the ship or vessel, any Tea or Spirituous Liquors, contrary to the new act against smuggling; for in such case the ship or vessel becomes forfeited, let the quantity of Tea or Spirituous Liquors be what it may; and if the quantity of Tea should exceed 100lb. or that of Spirituous Liquors one hundred gallons, not only the ship or vessel is lost, but the master or other person having the charge or command thereof, also forfeits 300l. and is to be arrested and conveyed before a Justice of the Peace, and obliged to enter into a recognizance to the King in the like sum of 300l. with condition to enter an appearance in the Court of Exchequer to any information which may be exhibited against him.—This ought not to be looked upon by the master or other person having the charge or command of a ship or vessel, or by the owner thereof, as an unjust, or even a hard law, on pretence that a ship or vessel may be subjected to forfeiture without the fault of the master or owner thereof, that is, by the misconduct of the seamen only; for it should be observed, that at most it a-

mount,



*Remark.*—By this act the officer, &c. is impowered to stop, and arrest the person, as well as property of the smuggler, where there is the least resistance, &c. Or, where after the same shall have been seized, such person shall cut, destroy, or damage any casks, or packages containing such property.

9th. All persons who are found assisting in unshipping any tea, spirits, or other smuggled goods ; or aiding and assisting the smugg-

mounts to no more than this—that the master is made answerable for the act of his servant, which in many cases is part of the law of the land : and particularly with regard to the master or other person having the charge or command of a ship or vessel, it is to be observed, that he cannot well find any just pretence for complaint, because it is almost impossible that the ship or vessel should become forfeited, or he himself liable to the penalties inflicted by the act, unless he be actually privy to the offence, or at least wilfully negligent in his duty to prevent it : and with respect to the master's not being either sole or part owner of the vessel, it is further to be observed, by way of obviating the objection that the law is either hard or unjust, that as the vessel cannot become forfeited without the wilful default or neglect of such master, if it were to be so lost, it would be like the common case of a master's losing a vessel through misconduct, and he would, as in that case, be liable to answer for the loss to the owner or owners of the vessel ; which should be a further inducement to the master to watch strictly over the conduct of his men, and this he may easily do, either by himself, or if that should happen to be impossible, by some proper substitute, which can in no case be a greater inconvenience than tradesmen themselves are obliged to submit to in their absence from their warehouses, shops, &c.—And perhaps a stronger reason than any other that can be given why a master of a vessel should be duly cautious not only not to offend himself, but also to see that none of his servants offend, is, the danger he is in of losing his vessel from his neglect in this respect ; for if any Tea, or Spirituous Liquors, should be on board the vessel, contrary to the above act, it is hardly possible that it should escape discovery and legal detection, the rewards held out by the act being great enough to induce some of the sailors to give information of the offence, whereby they (or any one of them giving such information) would become entitled to a moiety of the value of the ship, with its guns, furniture, ammunition, tackle and apparel, and of the Tea or Liquors illicitly on board the same ; and in case of the master's forfeiting 300l. 2s above said, to a moiety of that sum also. And it seems to be the intent of the several associations formed against smuggling, in order to prevent the illicit practice as much as possible, to disperse hand-bills in all the sea-ports, that the sailors cabin-boys, and others, may be informed how much it is become their interest to make discoveries of offences against the above act, and that they shall be legally assisted by the associations in obtaining the rewards they may become entitled to by making such discoveries ; which associations manifest great public spirit, and ought to meet with that countenance and approbation which other associations of the same kind (for instance, those against horse-stealing and fowl-stealing in the county of Norfolk, and that in London against swindlers) have experienced : and as the principal view of the associations against smuggling, is the promulgating of the laws, that they may be duly feared, in order to the prevention of offences, which is a far more desirable object than the punishing of the offenders, it is to be hoped that they will find that universal encouragement and support, which they seem to merit from all real patriots and lovers of this country ; for unless the national evil of smuggling, already arrived to an alarming height, be suppressed, if possible, or at least greatly checked in its rapid progress, it may, in the end, by draining this kingdom of its wealth in specie, and thereby enriching our enemies and impoverishing ourselves, and by being productive of a long train of other evils, both public and private, effectually destroy the well-being of this country.



ler, are to be arrested, committed to prison by a justice, tried at the quarter sessions, and adjudged to serve as soldiers, or sailors, for five years : the strictest directions are given, and provisions made, that the actual service of *five years* should, by no means whatever, be evaded ; and if any officer in the marine, or land service, should presume to discharge any such person, for any gratuity, or by any evasive means whatever, such officer is to forfeit his commission, &c. Two or more persons travelling together, armed or in disguise, with any horse or carriage, laden with more than 6 lb. of tea, or 5 gallons of foreign spirits without a permit, may be arrested by any officer of customs or excise, and carried before a justice, who may commit them.

10th. Any person thus arrested, being a female, or otherwise not fit to serve as a soldier, or sailor, is to be committed to hard labour in a house of correction, for a term not exceeding three years, nor less than one.

11th. Any constable, headborough, tythingman, parish or town officer, for every wilful neglect, or default in the execution of any warrant, order, or precept, to him given, or directed, in pursuance of this act, is to be fined by the justices 10l. who are to cause every such fine to be levied by distress and sale of the offender's goods.

*Remark.*—The whole of this fine is to the informer, as is that also which is laid upon the keeper of any gaol or house of correction, who shall suffer any person to escape. By the act of the 9th of Geo. II. c. 35, s. 24. whoever offers a bribe to an officer of the customs or excise, forfeits 50l. and in some cases 500l. (11th Geo. I. c. 30. s. 40.)

12th. The words DEALER IN COFFEE, TEA, COCOA-NUTS, or CHOCOLATE (as the case may be) are, after the first day of August, 1779, to be painted in large legible characters over the door of each and every shop, or other place, made use of for keeping those articles, upon forfeiture of 200l.

13th. In like manner, “ The words IMPORTER OF, OR DEALER IN  
“ FOREIGN SPIRITUOUS LIQUORS, are to be painted over the OUTER  
“ door, or in the front, or on some conspicuous part of each and  
“ every house, shop, warehouse, storehouse, cellar, vault, and  
“ other places, by him, her, or them respectively made use of for  
“ the keeping of foreign spirituous liquors; upon pain of forfeiting  
“ for every such shop, warehouse, storehouse, cellar, vault, or  
“ other place, which shall be made use of by an importer, seller,  
“ or dealer respectively; without having the said words painted or  
“ written, as is hereby directed, the sum of 50l.”

14th. Any dealer in tea, coffee, cocoa-nuts, or chocolate, who shall buy, or procure, or employ any person to buy for him or her, or for his or her use, any of the above articles, of any other than a

dealer in such commodities, over the door of whose house the words as above directed are painted, &c. (except of the East India Company, the commissioners of excise, &c.) is to forfeit 100l. over and above all former penalties, for every such offence.

15th. In like manner, any dealer in foreign spirituous liquors, who shall buy, or procure, or employ any person to buy, for him or her, or for his or her use, any foreign spirituous liquors, of any other than of an importer, or dealer, over the door of whose shop, warehouse, &c. the words are painted as directed, (except whilst the same remain on board the ships in which said liquors were lawfully imported, prize liquors, &c.) is to forfeit 100l. for every such offence, over and above all former penalties.

16th. All persons who, after the first day of August 1779, shall paint over their doors as above, and *not have their houses duly entered* at the proper office for the selling of tea, coffee, chocolate, cocoa-nuts, and foreign spirituous liquors, shall forfeit 50l. and shall also be subject to the penalties and forfeitures to which persons selling of, or dealing in, those articles, without entry, are now subject.

*Remark.*—All spirits in unentered houses are forfeited, with their package, and 40s. per gallon, 11th Geo. I. c. 30. s. 3; and unentered dealers in tea, coffee, &c. are now subject to a penalty of 200l. and all the goods with the package forfeited, (10th Geo. I. c. 10. s. 10.) And (by the same act) upon an oath of suspicion, one justice may empower an officer, by day, (or by night, in the presence of a constable) to search any person's house, for concealed tea, coffee, spirits, &c.—obstructing an officer therein 100l. penalty.

*Remark.*—Any seller, wilfully making a false entry in his, or her tea books, forfeits 100l. and by the act of the 11th of Geo. I. c. 30. s. 12. on complaint of an officer, upon oath, a justice may summon suspected persons to produce their books—refusing to attend, and to be examined on oath, touching the entries made therein, incurs a forfeiture of 20l.

When housekeepers, and other consumers of tea, coffee, &c. are fully informed that those articles cannot be carried from house to house, in bags, baskets, &c. nor sold by hawkers and pedlars, by virtue of their licence, as other goods are; such buyers must know, or believe, when they are so sold, that they are either smuggled, or pretended to be so, (under the pretence of which many have been greatly imposed upon) consequently such buyers, as well as the buyers of goods knowing or believing them to be stolen, ought to be punished; this act therefore properly enjoins, that,



17th. If any person whatsoever, not being such importer, or dealer, as aforesaid, shall buy, or procure, or employ any other to buy for him, or her, any tea, coffee, cocoa-nuts, chocolate, or foreign spirituous liquors, (except as above) of any other person than of such, over whose doors such words are painted as aforesaid, such person shall for every such offence, forfeit 10l.

18th. If any person who shall have sold any tea, coffee, spirituous liquors, &c. to any dealer therein, or to any other, and shall, *within twenty days* after such sale, and before any information has been lodged against him, discover the buyer, or who procured any other to buy for him, such tea, spirits, &c. such discoverer is discharged and indemnified from all penalties he might at that time be liable to for his own offences, and by becoming informer against the buyer, entitles himself to one half of the penalty which the buyer forfeits; and by the 11th of Geo. I. c. 30. the buyer may likewise inform against the seller, and thereby also be acquitted of his offences, and be entitled to a very considerable reward.

*Remark.*—Hence both buyer and seller are always at the mercy of, and in danger from each other. The smuggler, by becoming informer, may now not only be acquitted from his own offences, but obtain one half of the various rewards; say, the half of 100l. from every dealer, and of the like sum for every offence in every dealer, over and above his share of the forfeitures of such dealers by virtue of former Acts; and the half of 10l. from every other person, and the like sum for each offence in every other person, to whom, in the course of twenty days, the discovered may have sold Tea, Coffee, Geneva, &c. by means of which forfeitures he might quit, or retire from, his dangerous employment, with a sufficiency to live upon. And this employ will now indeed become doubly hazardous, from the Act made in the 19th year of George the Second being by this Act of Parliament revived and fully re-enacted in the following words:

“ Whereas doubts have arisen, whether the methods and orders in the said Act, directed and prescribed relative to the apprehending and harbouring the offenders therein mentioned, or for causing such offenders to surrender, are, or were, re-enacted and continued.—Now to put an end to such doubts, be it enacted and declared, by the authority aforesaid, that all and every the methods, orders, directions, rules, proclamations, penalties, punishments, rewards, matters and things, provided, ordered, settled, directed, imposed, given and required by the said act of the nineteenth year of the reign of his said late Majesty, relative to the surrender, proclaiming, apprehending, harbouring and punishing such offenders was, were, and are continued and re-enacted;—and the same may be lawfully exercised, practised, applied, used and

“ imposed, in regard to all and every person and persons that  
 “ offend, or shall in future offend, against the said act of the  
 “ nineteenth year of his said late Majesty.” Act of 19th  
 Geo. II. for punishment of offenders against the laws of customs  
 and excise, re-enacted.

It is therefore necessary the contents of said act should be known, which, among other things, enacts, that if any persons, (after the 24th day of July, 1746) to the number of three or more, armed, shall assist in the illegal importing, or running of goods;—or in taking away the same, after their being seized by any officer;—or in rescuing any person who shall be apprehended for any offence made felony by this, or any other act, relating to the revenue of customs or excise;—or in preventing the apprehending of any person guilty of any such offence; or if any person shall have his face blacked, or wear any vizard, mask, or other disguise, when passing with such goods;—or shall forcibly hinder, assault, or resist, any officer of the customs or excise, in the discharge of his duty; or if any person shall shoot at, maim, or dangerously wound any such officer, the person or persons being lawfully convicted of any of the offences aforementioned, shall suffer death.—Persons charged with any of these offences before a justice, said justice is to give information thereof to a secretary of state, who is to lay it before the King, whereupon it is lawful for his Majesty to make his order in council, commanding such offenders to surrender themselves within the space of forty days—for not surrendering to be judged, deemed and taken, to be convicted of felony without benefit of clergy: And those who harbour, receive, conceal, abet, or succour any such outlawed person, are to be transported for seven years; and whoever discovers him, to receive 500*l.* reward;—any offender against whom no order of council shall have been made discovering such a person, to be acquitted himself, and receive the reward;—any who shall lose a limb, or an eye, or be otherwise grievously wounded, by endeavouring to apprehend such offenders, is to have 50*l.* over and above other rewards; and to the executors of any who are killed in so doing, 100*l.* is to be paid by the commissioners of excise.

*Remark.* Any offender or offenders before his Majesty's order in council shall be made against him or them to surrender within forty days, discovering two or more of his, her or their accomplices, (though those accomplices were not become outlawed,) may receive 50*l.* and be clearly acquitted of his, her or their own offences. If any officer, or other person, shall be beaten, or wounded in endeavouring to seize any smuggled goods, or if the goods so seized are rescued, he is to have full satisfaction, not exceeding 200*l.* for the goods, and 40*l.* for  
 such



such beating, or wounding, which money is to be raised by a proportionable rate upon the inhabitants of the hundred in which the offence was committed; and if any be killed, they are to pay in like manner 100l. to the executors and administrators of each person so killed.

The contents of which Act being so fully established, and re-enacted, renders this new Act of Parliament the most effectual for punishing, and preventing smuggling, that was ever yet made in this kingdom; and as the fines and forfeitures are to be recovered in the usual methods of the excise laws, the fine of 10l. laid upon the illegal buyers of Tea, Coffee, Brandy, Geneva, &c. is much more easily affixed and obtained, than many suppose, because, by the excise laws, justices, “ upon  
 “ any complaint, or information, may summon the offender;  
 “ and upon his appearance, or contempt, examine the fact;  
 “ and proof being made thereof, either by voluntary confession,  
 “ or the oath of a credible witness, give judgment, and issue a  
 “ warrant for levying the fine,” (12th Car. II. c. 23. s. 31.) and the justices may summon any other person, than the party accused, to give evidence; (no one in a family therefore knows who may be summoned)—refusing to appear, or on appearance, refusing to give evidence, 10l. penalty; (7th and 8th Will. III. c. 30. s. 24.) and a summons left at the house, workhouse, shop, cellar, &c. or at the usual place of the person’s residence, directed to him, by his real or assumed name, is deemed a legal one, (32d Geo. II. c. 17. s. 1 and 2.) Hence no great difficulty attends fixing the penalty upon illegal buyers; the prudent, therefore, will be duly cautious, as for want of sufficient distress, offenders may be imprisoned till satisfaction be made, (12th Car. II. c. 23. s. 31.) And any seller of Spirituous Liquors, having more than 6lb. of Tea, Coffee, or Chocolate, found in his custody, is deemed a dealer therein, by Act of 11th Geo. I. c. 30. s. 4. consequently forfeits it, and 200l. And any person whatever having more than 6lb. of Tea, &c. in his custody, without a permit, forfeits all such Tea, &c. and treble the value.

19th. If any officer of the customs or excise shall not use his best endeavours to seize any tea, spirits, lace &c. liable to forfeiture by this act; or to stop, arrest, detain, and convey before a justice any whom such officer is hereby authorised so to do; upon complaint thereof made to any justice, within three months after such default, said justice is to examine into the complaint by witnesses, and if he finds reasonable grounds, transmit the same to the commissioners of excise; but no one shall be obliged to go above five miles to be examined upon such complaint.

*Remark.*

*Remark.*—As this Act directs that smugglers, and their abettors, when apprehended and adjudged guilty, shall be sent for soldiers, or sailors, and that the officer shall be bound in 40*l.* to prosecute, &c. some have therefore concluded, that no officer will hazard being beaten, &c. in endeavouring to apprehend them, where there is no prospect of advantage: but such would do well to consider, that this Act of Parliament doth not repeal, but confirm all former Acts upon this head, and consequently that it adds to, but doth not diminish, the power and perquisites the officer before had: if indeed a smuggler should be so circumstanced as to be liable to be sent, and should be actually sent to prison, or for a soldier, or sailor, under this Act, he cannot suffer the former penalty of forfeiting treble the value, because his lying in prison, or serving as a soldier, or sailor, is expressly said to be in lieu of all former punishments and penalties; but though he cannot suffer two punishments under two Acts of Parliament, for one offence, yet he may certainly be tried and punished under either of the Acts, when they are both equally in force;—hence therefore the officer hath the same motives to action he ever had, and the same inducement and encouragement to apprehend the smuggler, who, if he proves a poor fellow, goes to prison, or for a soldier, or sailor, under this Act, and even as the law before stood he must have been sent to prison; therefore, in both cases, as nothing is to be had, the officer must lose his right; but if the apprehended smuggler proves worth money, or his relations are known to be so, doubtless the officer will prosecute upon the former act, so that he cannot be a loser by this: And by the above-recited act of the 19th of Geo. II. (c. 30. s. 6.) a sum not exceeding 40*l.* is allowed to the officer, for being beaten, wounded, or maimed, and 100*l.* to his executors if killed, and a sum not exceeding 200*l.* is to be paid to an officer from whom smuggled goods are rescued after seizure; which sums are to be raised and paid by the hundred in which the offences are committed; and, it seems, the honest traders who have associated and subscribed large sums of money to carry this Act of Parliament into execution, are determined, at the same time that they mean to punish officers for any wilful neglect of their duty, to encourage and protect them in the legal discharge of it.

\* \* It is particularly to be remarked, that by the 10th of Geo. I. c. 10. s. 35, and by the 11th of the same King, c. 30. s. 12. Any dealer in tea, coffee, &c. who designedly makes a false entry in his or her excise-book, forfeits 100*l.*—And as the book, when filled up, must be delivered upon oath, &c. under the like penalty, and as the dealer may be examined upon oath touching the entries in the book, even before it be filled up, it is highly incum-



incumbent upon all dealers to be duly careful, as stricter inquiries will now be made respecting any suspected person or persons than heretofore.

*Respecting Foreign Thread Lace.*

22d. All foreign thread lace, imported after the first day of Aug. 1779, is to be marked, or sealed at each end, before it is delivered to the importer by the proper officer of the customs appointed for that purpose.

23d. All dealers possessed of such lace, may, before the first of February, 1780, have it sealed gratis, upon oath being made that the duty is paid to the best of their knowledge, &c.

24th. All persons intending to export such lace shall give notice to the proper officer, who is to take off the seal, or no drawback is to be allowed.

25th. All foreign thread lace found in any shop, &c. or other place whatsoever, upon land, after the first day of February, 1780, not being sealed at both ends if whole, or at one end if a remnant, is forfeited.

26th. If any person counterfeits such mark or seal, or shall have in his possession lace with a counterfeit seal, knowing the same to be so, such person, and all aiders, abettors, &c. shall forfeit 100l. and stand in the pillory two hours, for every offence.

\* \* \* By the 8th of George I. c. 18, s. 10, if any person shall knowingly receive or buy any run goods, he shall, on conviction by confession or oath of one witness, before one justice forfeit 20l. half to the informer and half to the poor, to be levied by distress, and for want of distress the offender is to be committed to prison for three months.

And by the 11th of George I. c. 30, s. 16, if any person shall knowingly harbour, keep or conceal any prohibited or run goods, he shall (whether he claims any property in them or not) forfeit the same and treble the value thereof, half to the king, and half to the informer : and by section 18 and 19 of the same act, if any person offers to sale any prohibited goods, or goods which have been, or are pretended to have been run, the same, together with the package, shall be forfeited and seized by the party to whom they are offered to sale, or by any officer of excise or customs ; and the person offering them to sale shall also forfeit treble the value thereof ; and by the next section of the same act, the said goods if sold may be seized from the buyer, either by the seller, or any such officer, and the buyer shall forfeit treble the value thereof.

*Abstract of the Acts relating to Silks and Calicoes.*

That, by Stat. 11 and 12 William III. for the more effectual employing the poor, by encouraging the manufacturers of this kingdom; after the 29th of September 1701, no wrought silks, &c. of the manufacture of Persia, China, or East India, or calicoes painted, dyed, printed, or stained there, shall be worn or otherwise used in England, Wales, or the Town of Berwick upon Tweed, unless made up and used in apparel or furniture, before the 29th of September 1701.—Which, by Stat. 10th Geo. I. is extended to furniture made up before the 25th of December 1722.

And all such goods, whether mixed, sewed, or made up for sale with any other goods, or materials, which shall be found in any house, shop, warehouse, or other place whatsoever (other than such warehouses as shall be approved by the Commissioners of his Majesty's Customs) shall be forfeited, and liable to be searched for and seized.

And over and above the loss of the goods, the person or persons, in whose custody, knowing thereof, the same shall be found, or seized; or that shall sell, or dispose thereof, to any person whatsoever, other than for exportation (and the same be exported accordingly) shall forfeit 200l. one third of the said penalties, and of what shall arise by the sale of the goods, which after condemnation, to be sold for exportation, to be to the use of the King's Majesty; the other two thirds to such person or persons who shall seize and prosecute for the same.

And if any person shall import any of the said goods into any port, other than the port of London, or into the port of London, and not make due entries thereof, shall, besides the forfeiture of the said goods forfeit the sum of 500l.

And that by Stat. 7. Geo. I. to preserve and encourage the woollen and silk manufactures of this kingdom, and for more effectually employing the poor, by prohibiting the use and wear of all printed, painted, stained, or dyed calicoes, in apparel, household stuffs, furniture, or otherwise.

After December 25, 1722, none shall use or wear in Great Britain, in any garment or apparel whatever, printed, painted, stained, or dyed calico, under the penalty of 5l. to the informer, for every offence; such information to be made within six days, before a Justice of the peace.

That after the 14th of June, 1766, no foreign wrought silks or velvets shall be imported or brought into Great Britain, or the islands of Jersey, Guernsey, Alderney, Sark, or Man, upon pain of being seized



seized or forfeited; and the further penalty of 100l. for each piece or remnant so imported, to be paid by the importers, with costs of suit.

That no mercer, haberdasher, upholder, mantua-maker, milliner, taylor, or other person or persons whatsoever, shall vend, utter, sell, or expose to sale, or exchange, barter, truck, or otherwise dispose of any foreign wrought silk or velvet, which shall not have been imported before the 14th of June 1766; or sew work, or make up the same, for, in, or upon any garment, wearing apparel, or furniture, upon pain that all such foreign wrought silk or velvet garment, apparel or furniture, or other work made therof, so sold or exposed to sale, exchanged, bartered, trucked or disposed of, or sewed, worked, or made up, for, in, or upon any garment, apparel or furniture, or other work; and the garment, apparel, furniture, or other materials, in, with, or upon which the same shall be so sewed, wrought or made up, shall be seized and forfeited; and all persons who shall vend, utter, sell, or expose to sale, exchange, barter, truck, or dispose of, or knowingly sew, work, or make up, or cause or procure to be sewed, wrought or made up, for, in, or upon any garment, apparel, or furniture, or other work, any such foreign wrought silk or velvet not imported before the 14th of June 1766, shall, for every such offence, forfeit 100l. with costs of suit.

That all foreign wrought silk or velvet, or other work made thereof, which after the 14th of June 1766, shall be imported into this kingdom, or into Jersey, Guernsey, Alderney, Sark, or Man, whether the same shall be mixed with, sewed on, or made up with any other goods or materials, or otherwise; and the apparel, garment, or furniture, or other materials, in, with, or upon which the same shall be mixed, sewed or made up, may be seized, and after condemnation shall be forfeited; and the mercer, haberdasher, upholder, mantua-maker, milliner, taylor, or other dealer in, vender or maker up of any of the said manufactures, in whose house, warehouse, custody or possession the same shall be found and seized, shall, for every piece or remnant of such foreign wrought silk or velvet, or other work made thereof, which shall be so seized and found as aforesaid, forfeit 100l. with costs of suit.

One moiety of all penalties and forfeitures to be to the King's Majesty, and the other moiety to the person or persons who shall sue for the same.

The proof where the goods were manufactured to lie upon the owner or claimer, or the person sued or prosecuted, and not upon the plaintiff or prosecutor.

*Act against the Adulterating of T E A.*

The first act of parliament made against this iniquitous practice, commenced the 24th of June, 1725, by which, “ Any dealer who  
 “ should counterfeit, or adulterate, or alter, or fabricate, or manu-  
 “ facture tea with terra japonica, (perhaps the only ingredient  
 “ then discovered) or with any drug, or drugs whatsoever, or mix  
 “ with tea any leaves, or other ingredients whatsoever, should for-  
 “ feit 100l. and all tea so altered, fabricated, and manufactured.”  
 —11th Geo. I. c. 30. s. 5. The second act took place the 24th day  
 of September, 1731, which mentions, and prohibits, amongst the  
 ingredients then discovered, and used in this manufactory, sugar,  
 molasses, clay and logwood, as well as terra japonica; and for every  
 pound weight of tea so altered and adulterated by any dealer, or  
 found in the custody of any dealer, such dealer shall forfeit and lose  
 10l.—4th Geo. II. c. 4. s. 11. The last act commenced on the 24th  
 day of June, 1777, this act refers to, and is grafted upon, the for-  
 mer, as appears by the following paragraph :

“ Whereas great quantities of sloe leaves, and the leaves of ash,  
 “ elder, and other trees, shrubs, and plants, are dyed, fabricated,  
 “ and manufactured in imitation of tea, by divers persons, who sell  
 “ the same to persons being dealers in tea, smugglers, and others,  
 “ by whom the said manufactured leaves are mixed with tea, and  
 “ sold and vended as true and real tea; but by reason that the per-  
 “ sons so dying, fabricating, and manufacturing the said leaves,  
 “ are not dealers—in, or sellers of, tea, they are not punishable for  
 “ the said offences by the laws now in being, whereby such evil  
 “ practices are increased to a very great degree, to the prejudice of  
 “ the health of his Majesty’s subjects, &c.—For remedy whereof, be  
 “ it enacted, &c. that whether he, she, or they, be a dealer, or  
 “ dealers in, or a seller, or sellers of tea, or not, that shall die, fa-  
 “ bricate, or manufacture, any sloe leaves, liquorish leaves, or the  
 “ leaves of tea that have been used, or the leaves of any ash, elder,  
 “ or other tree, shrub, or plant, in imitation of tea, or shall mix,  
 “ colour, stain, or dye, any such leaves with terra japonica, copperas,  
 “ (the last of which seems a new discovered ingredient) sugar, mo-  
 “ lasses, clay, logwood, or with any other ingredients, or materials  
 “ whatsoever, or shall sell, or vend, utter or offer, or expose to sale,  
 “ or shall have in his, her, or their custody, or possession, any such  
 “ died, fabricated, or manufactured leaves in imitation of tea;—  
 “ he, she, or they shall forfeit and pay 5l. for every pound weight of  
 “ such leaves, and upon non-payment be committed to prison:”—  
 (if mixed with tea, it will, by the above act, be 10. per pound  
 weight, penalty.



2d. Any officer making oath before a Justice, that he suspects such leaves as aforesaid are concealed, said Justice may grant a warrant for entering any house, or place, in search of the same;—any one obstructing the officer therein shall forfeit 50*l.* which, with the other forfeitures in this act, is one half to the informer, and the other to the poor of the parish where the offence is committed.

3d. Every person in whose custody more than six pounds of dried leaves, green leaves, or leaves manufactured, or manufacturing, shall be found, must, in twenty-four hours after the seizure, give an account, to the satisfaction of the Justice, for what purpose said leaves were gathered, &c. otherwise he or she forfeits 5*l.* for every pound weight of such leaves, with the waggons, carts, boxes, bags, tubs, or other package.

4th. The occupiers of houses, outhouses, gardens, grounds, &c. where such leaves are found, shall pay the penalty, if proved to the satisfaction of the Justice, that they were so lodged with the consent of the occupiers.

Ignorance, or Interest, hath induced many to treat the subject of adulterating tea, with apparent disbelief, or contempt; and as if almost chimerical.—That tea is genuine when delivered by the East-India Company, is doubtless true, but that it is very easy to be, and very often is adulterated afterwards, is also as true, and well known to many; the wicked art of altering tea, that is, changing bohea into green tea, by some chemical preparation, seems to have been discovered, and practised before the year 1725, altering tea being made penal by the Act of Parliament made in that year: And that the leaves of tea that have been used have many years been collected, bought up, dried and sold, is sufficiently known to many; a chest full of such dried leaves was, at the decease of the Widow Burket, at Beccles in Suffolk, (who had formerly been a tea-seller) found in her house, which she had, from time to time, begged at, and procured from, the King's Head Tavern in that town, where, it seems, they now give away their leaves in like manner, but make the poor bring the former leaves back (which they then destroy) when they come for more;—a practice worthy imitation, burning, or otherwise destroying them, being highly necessary. Not being able to collect a sufficient quantity of tea leaves, so to dry, die, &c. no doubt gradually introduced the sloe, ash, liquorice, elder, &c. the latter of which, I should have supposed no chemical preparation could have rendered fit for such a purpose.—Money, interest, and every effort, no doubt, have been ever made use of to cover, and conceal, those who have been detected in the wicked practice of adulterating tea; which, however, in some instances, have lately proved ineffectual, where

where the names of the delinquents, places of abode, and other particulars, have been proclaimed in the public news-papers.

It seems highly necessary that such instances should be made public, that the conscientious, and the careful, may be upon their guard, not only to detect, and punish such delinquents, but to preserve themselves, as no one can tell what pernicious effects (though secret and slow) the continual drinking of a hot infusion of different leaves, manufactured with terra japonica, logwood, copperas, and various ingredients, may have upon the strongest constitution. Honest tea dealers desire this iniquitous practice should be detected and exposed, as appears by the following paragraph of a printed circular letter, dated Dec. 24, 1778, signed by William Carter, headsmen of a company of grocers in Norwich, and Simon Wilkin, Secretary, who (it seems) are two of the most respectable grocers and tea sellers in that city.

“ As a proof how easily this pernicious deception is performed  
 “ we were this day shewn a small quantity of green tea design-  
 “ edly adulterated, as a specimen of the roguery; and not-  
 “ withstanding the person who did it would make affidavit that  
 “ one fourth part of the specimen was sloe leaves, and the  
 “ leaves of tea that had been used, being well dried and pro-  
 “ perly chopped: four of the most capital tea dealers, in this  
 “ city, then present, were unanimously of opinion, that it  
 “ might easily have passed them for real tea, though it had not  
 “ the advantages of a manufactory with any of the above in-  
 “ gredients; and they were fully of opinion, that if it had re-  
 “ ceived those advantages (and doubtless they are advantages  
 “ otherwise they would not be used) it would be impossible for  
 “ the best judges to discover the deception, without the nicest  
 “ investigation of its leaves, its smell, liquor, flavour, &c. con-  
 “ sequently such adulterated tea would pass with thousands,  
 “ and might easily be sold by smugglers, and others, as cheap  
 “ tea, being so reduced in its value 25 per cent.”

From all which it is evident, that the quality more than the price of tea, ought now particularly to be regarded, and that every feller of tea, either in the city or country, whose consumption is not sufficient to admit his having it from the East-India Company, (whereby it may be fully ascertained to be genuine) should now become careful both of what, and of whom he buys, and not to give orders for it to, or buy it of those who may offer it cheap, but to buy it only of respectable dealers, such as are of real reputation, lest having bought cheap tea, it proves adulterated, to the hazard of his own reputation, the health of his customers,



customers, the loss of his trade, and his forfeiting 10l. for every pound weight of such tea which, by the excise officer, or by any other means, may be discovered in his custody.

---

COMMUNICATING the contents of these acts will, it is hoped, prove serviceable, particularly in detecting and preventing the dangerous practice of adulterating tea, and the very detrimental custom of smuggling, which is so highly injurious, not only to the fair trader, and the revenue, but to the community at large, that decency, order and civil government unitedly cry aloud for redress. The act now made seems well calculated for its intended purpose, as it doth not repeal any former acts, but makes very considerable additions to them, particularly by subjecting a ship, even of two hundred tons burthen, to forfeiture;—laying a fine of 300l. upon the captain or commander of any vessel, having spirits or tea on board illegally;—100l. additional penalty upon all dealers in those articles who buy them otherwise than thereby prescribed;—and 10l. for every offence in every other person who buys (however small the quantity) or procures or employs any other to buy for his or her use, *tea, coffee, cocoa-nuts, rum, brandy, geneva, or any foreign spirituous Liquors*, in any way, or of any other persons than of those whose houses are distinguished for the sale of those articles, which seems a principal point in the act, it being proverbially true, that were there no receivers there would be no thieves; and it is equally true, that if there were no buyers of smuggled goods, smuggling must cease: this act therefore properly lays the penalty upon the receiver, that is, the buyer of smuggled goods, and subjects the buyer to the information even of the seller, which, as before observed, must render smuggling exceedingly hazardous; as by the act of 11th of Geo. I. (c. 30, s. 20.) the buyer of run goods may inform against the seller, who forfeits treble the value; so that now the buyer and seller must be continually at the mercy of, and in danger from, and consequently afraid of each other.

Therefore the illicit traffick in the above articles, which hath been so largely carried on by carriers, riding cumbers in their wool and yarn bags; coachmen, footmen, and females, by means of baskets, bundles, bags, &c. must, in a great measure, if not altogether, cease; as the prudent will not buy of such persons, or employ them to buy or procure for their use, Tea, Coffee, &c. knowing they would thereby expose themselves to difficulty, danger, expence and disgrace from a discovery, which might be effected even by their own servants, or neighbours, as well as by the smugglers or their abettors; seeing that by the act of the 7th and 8th of William III. c. 30, s. 24. any persons,

persons, other than those informed against and accused, may be summoned to give evidence, who, if they neglect to appear, or on appearance refuse to give evidence, forfeit 10l. on which account some persons are now under prosecution; and it seems, associations are formed, and large subscriptions raised to carry the acts against smuggling into execution, without respect of persons, which must be greatly approved by the honest and much injured trader, as the utility thereof will appear to all who consider, that though government make laws, the execution of them must lay in the people, and that without an exertion in the latter, the intention of the former must be altogether ineffectual.

---

THE officers and passengers of East India ships, are desired to take notice, that all goods whatsoever, should be entered in the boatswain's book, with marks of each package, and the name of the proprietor, at the time taken on board; also registered with the president and council, or supra cargoes, at the factory where said goods were taken on board; or if taken on board at the Cape of Good Hope, Batavia, or any place where the English have not a factory, such goods should be registered at the first English factory they arrive at; otherwise, the goods are forfeited; and for such goods as are registered and not brought to the Company's warehouse, the proprietor will be mulcted, unless it clearly appears that such things were consumed on the voyage.

They are likewise cautioned against bringing unregistered diamonds, precious stones, gold and silver.—A king's officer in the year 1765, received of the East India Company, a present of 500l. besides all charges, for seizing 19 bulces of diamonds at Portsmouth, which were smuggled from the Medway Man of War.

---

The Articles entered into, by the *Association* for carrying into Execution the late *Act of Parliament* against *Smuggling*, in the City of *Norwich* and County of *Norfolk*, may be a very good Specimen for all other great *Cities, Counties, and Corporations* in England, to imitate and improve upon, in their Associations, to prevent Trouble to the Magistrates, and Penalties upon the ignorant and unwary; and are as follows:

THAT every subscriber of 5l. or more, be a director of the association.

That the directors hold a quarterly board, or general meeting, on the first Monday in March, June, September and December, yearly,  
and



and on any other day if requested by the committee, by advertisement in the public papers.

That no part or dividend of the subscription may be raised but by the direction of a board or general meeting, consisting of at least ten directors.

That a committee be appointed of the chairman, secretary, and deputy secretary, and of ten other of the subscribers of 20l. or upwards, each, whose names first occur in alphabetical order; and that at the ensuing quarterly board, the first five of the ten to go off, and the next five of the like subscribers in alphabetic order, become committee members in their stead; and that at every subsequent quarterly board or general meeting, the like succession shall take place.—That this committee meet on the first Monday in every month, and on any other day upon being summoned by either the chairman or the secretary, to transact the necessary business which may occur between the boards or general meetings: and that at the committee meetings any of the other directors besides those of the committee, may be present and advise, but not vote, on any motion or question.

That at every Midsummer board, the treasurer's accounts be audited, and the thanks of the association voted, and a gold medal of ten guineas value presented to the excise or custom-house officer whom the board shall judge to have exerted himself most in the legal discharge of his duty; and the like thanks and a medal of five guineas value presented to that excise-officer whom the board shall judge to stand in the next degree of merit; and that such other rewards as the board may think proper be given to other officers, according to their deserts.

That at the boards or general meetings all the directors present bear their own expences, but that at the committee meetings, the members thereof, but not the other directors who may be present, be allowed 1s. each (and no more) for tea, &c. out of the subscription money.

That all business transacted at the boards or general meetings be entered in a book, and the business of the committee meetings entered in another book, and that the latter book be laid before the directors, at the boards or general meetings.

And that the plan of the association, and the names and sums already subscribed be forthwith published, whence it will appear that the association hath met with great encouragement and support, although at present in its infancy, the subscription not having yet been extended to the county, nor to the many persons in the city, who, doubtless, will readily subscribe from 20l. down to 5l. which latter subscriptions, and even less sums, from some other persons,

may

may demonstrate to the public a laudable disposition to join in, and promote so well meant an undertaking, and in that point of view, will be as acceptable as the greatest.

Note, All subscriptions under 5l. are to be immediately paid, but those of that sum or upwards, are payable by dividends, under the direction of the boards or general meetings, the first of which is only  $\frac{1}{4}$  per cent.

The following is a Copy of the Subscription Book.

“ We, whose names are hereunto subscribed, being Grocers,  
 “ Weavers, Distillers, and other Dealers in Spirits and Tea, Brewers,  
 “ Linen Drapers, and other tradesmen who are injured by smuggling;  
 “ ling; or those who from generous and disinterested motives, are  
 “ desirous that the act of parliament now made against smuggling  
 “ may be carried into execution, do hereby promise and agree to pay  
 “ the sum of money we have affixed to our names, in equal and proportionable  
 “ dividends, from time to time, as the same shall be  
 “ agreed upon and directed by a majority of those who have subscribed  
 “ five pounds or upwards; such subscribers being voters and  
 “ directors at all meetings or boards, which are to be held for carrying  
 “ said act of parliament into execution.”

F I N I S.



THE Committee nominated by the principal dealers in tea in the cities of London and Westminster, having applied to parliament for an act for the more effectual prevention of smuggling, and such act being passed in the last session, the said committee have since had several meetings, to consider of the best means to publish and make known the laws existing against that illegal traffic, and the pernicious custom of adulterating tea, thereby to prevent, as much as in their power, persons from offending against those laws through ignorance, and to establish a fund for promoting the more vigorous exertion and execution thereof, against intentional offenders; for the more liberal encouragement of informations and prosecutions against such offenders, and for the better protection and support of the officers of the revenue, in the performance of their duty, and *resolved* to form themselves into an association, and to subscribe the following sums, as a foundation for those laudable purposes, to which

The Honorable Court of Directors of the East India-

Company, as a testimony of their approbation, have l. s.

|                                   |       |     |   |
|-----------------------------------|-------|-----|---|
| added the sum of                  | _____ | 500 | 0 |
| Davison, Newman and Co.           | _____ | 50  | 0 |
| North, Hoare, Nanfon and Simpson  | _____ | 50  | 0 |
| Smith's, Nash, Kemble and Travers | _____ | 50  | 0 |
| Cooper, Garratt and Taddy         | _____ | 50  | 0 |
| John Pinhorn                      | _____ | 50  | 0 |
| Eamer, Fisher and Maynard         | _____ | 50  | 0 |
| Bull and Moody                    | _____ | 50  | 0 |
| Wilson, Thornhill and Wilson      | _____ | 50  | 0 |
| Frampton, Thompson and Hustler    | _____ | 50  | 0 |
| Mary Twining and Co.              | _____ | 50  | 0 |
| Blakiston's and Myles             | _____ | 50  | 0 |
| Miles Stringer                    | _____ | 50  | 0 |
| Garratt, Heathfield and Higgins   | _____ | 50  | 0 |
| Copeland, Ellis and Son           | _____ | 50  | 0 |

Stevenson,

|                             |       |       | l. | s. |
|-----------------------------|-------|-------|----|----|
| Stevenfon, Hewfon and Fenn  | _____ |       | 50 | 0  |
| Thomas Rutton               | _____ | _____ | 50 | 0  |
| Griffiths, Fry and Robinson |       | _____ | 50 | 0  |
| Titus, Wilfon and Son       | —     | —     | 50 | 0  |
| John and Ben. Hanfon        | _____ |       | 50 | 0  |
| Noton, Son and Ewer         | _____ | _____ | 50 | 0  |
| Charles Brewfter            | _____ | _____ | 50 | 0  |
| Lawrence and Knight         |       | _____ | 50 | 0  |
| Barwis, Charnley and Hill   |       | _____ | 50 | 0  |
| Spateman, Hotham and Co.    |       | _____ | 50 | 0  |
| Henry and Thomas Holah      | —     | —     | 50 | 0  |

Any advice or information addressed to Mr. Burfey, Castle Yard, Holborn, Solicitor to the faid Affociation, will be esteemed a favor, and attended to.





